REMARKS

In the Office Action of November 3, 2004, Examiner rejected claims 1-14 and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,754,530 to Awdeh ("Awdeh") in view of U.S. Patent No. 6,324,165 to Fan ("Fan"). The Action was made final.

Claims 1-14, 25-33 are presented herein. Amendments are made to claims 1 and 25. Claims 2-14 are as previously presented. Claims 15-24 were previously cancelled. New claims 26-32 are added. In view of extra claim fees previously submitted for now cancelled claims 15-24, Applicant believes that no further extra claim fees are due for new claims 26-32. However, if any such extra claim fees are payable, Commissioner is authorized to charge such fees to agent's deposit account no. 15-0633.

As this Response is filed with a Request for Continued Examination, Applicant requests that the noting of the Office Action as being made final should be removed.

Applicant respectfully traverses rejection of claims 1-14 and 25 as follows.

An aspect of Applicant's invention is the aggregation of data traffic from a plurality of connections, such as virtual channel connections ("VCC"), onto an aggregated traffic stream, such as a virtual path connection ("VPC"). In an embodiment, traffic management is then applied onto the aggregated traffic stream rather than on each VCC.

Awdeh, on the other hand, does not teach or suggest *aggregating* data onto an aggregate data stream. Rather, Awdeh teaches different virtual connections *sharing* an inter-switch link or path. Examiner admits this point in the Office Action at item 4. Specifically, Awdeh is directed to monitoring and measuring traffic flow *per* virtual connection: see column 13, lines 59-60; column 15, lines 37-38; and column 15, lines 58-60. This is in contrast to the aggregation of traffic into an aggregate traffic stream as defined in independent claims 1 and 15.

Additionally, Awdeh differs from the scope of claims 1 and 25 in that the traffic management of Awdeh is directed to each individual virtual connection. Examiner contends in the Office Action that the resource management ("RM") cells of Awdeh teaches traffic management as defined in claims 1 and 25. However, each RM cell of Awdeh is associated with

an individual virtual connection. See for example, column 11, lines 36-41: "In the first step, the CCR field of an arriving forward RM cell is read...The second step uses the read CCR value to update a moving average of the CCRs *seen on this VC*", and column 13, lines 38-39: "*...each VC is dealt with separately* and *when its RM cells* show up" [emphasis added]. As such, the flow traffic control of Awdeh is directed to individual virtual connections rather than to an aggregated traffic stream, as defined in claims 1 and 25.

Examiner contends Fan discloses a system having a plurality of connections, wherein at least two of the connections have different classes of transmission. However, Fan still does not teach aggregating different classes into an aggregate traffic stream nor does it teach implementing flow control over such an aggregate traffic stream. Fan describes a network core architecture supporting multiple traffic classes and quality-of-service guarantees, and is directed to a network architecture rather than network switching devices (see column 1, lines 11-13). Additionally, Fan teaches only traffic flow and control on a *per class* or *per virtual channel* basis (see column 5, lines 6-7; and column 5, lines 28-31), and does not teach an aggregate traffic stream on which flow control is applied.

As such, even if there was motivation to combine the teachings of Fan with Adweh, it is submitted that Applicant's invention as claimed is novel and non-obvious in view thereof.

To further clarify features of Applicant's claimed invention from Fan and Awdeh, Applicant herein amends independent claims 1 and 25, wherein traffic is explicitly aggregated onto an aggregate traffic stream, to which flow control is then applied. Exemplary support for the amendments is found at page 13, line 12 through page 14, line 12 of the description as originally filed.

Since neither Awdeh nor Fan, whether taken alone or in combination, teaches these features of claims 1 and 25, such claims are patentable over Awdeh and Fan pursuant to 35 U.S.C. §103(a). Since all remaining claims depend directly or indirection from claim 1, Applicant submits that such claims are likewise patentable over Awdeh and Fan.

New method claims 26-32 are added, representing one family of claims defining a method of transmitting non-real time traffic across a core connection-oriented communication

network. In independent claim 26, non-real time traffic is aggregated onto a single, aggregate traffic flow. Further, when routing the aggregate traffic flow, there is no differentiating among the non-real time traffic at any core node in the connection. Exemplary support for the new claims 26-33 is found at in Fig. 1 and its correspondence text in the specification as filed at page 8, line 11 to page 13, line 11 and in Fig. 2 and its correspondence text in the specification as filed at page 13, line 12 to page 18, line 9.

It is submitted that the features of claims 26-32 are also not taught neither alone nor in combination in Awdeh nor Fan. As such, it is submitted that claims 26-32 are allowable.

No new subject matter is provided by the present amendments. By way of the present Response, this application is believed to be in condition for allowance and such action in due course is earnestly solicited.

Respectfully submitted,

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